

From: The Lake Superior Alliance  
Via: Electronic Mail and surface mail

Date: 10/15/2001

To: Jon Heinrich  
Wisconsin Department of Natural Resources

**Recommending the adoption of Wisconsin's Proposed Mercury Reduction Rules**

Mr. Heinrich,

I am writing to you on behalf of the Lake Superior Alliance in support of Wisconsin's proposed mercury reduction rule to reduce mercury emissions to the atmosphere by 90% by the year 2010. The Lake Superior Alliance is made up of nearly 40 Lake Superior environmental groups with local membership in Wisconsin, Michigan, Minnesota and Ontario. Our members are local, regional, national and international groups from communities in the United States and Canada who have worked together since 1992 to promote the pollution reduction and habitat protection goals of the Lake Superior Binational Program. First and foremost I want to thank the Department for proposing rules which, if implemented, will reduce mercury air emissions, the number one source of mercury affecting Lake Superior, by 90% by the year 2010. This places Wisconsin among the nations leaders for taking action to protect our families and our wealth of clean water through protective measures aimed at cleaning the air of perhaps the biggest water pollution and human health challenge we face; the mercury in our waters.

For Lake Superior's people, in particular those who consume subsistence level quantities of walleye and trout, the recommendations published by the state are not adequate protection. Since, because of their subsistence life patterns, these families will consume large quantities of fish and consequently large periodic doses of mercury, they and their children are at risk of birth defects, reduced cognitive function and other know harms attributable to mercury poisoning. Data also shows that Lake Superior's loons and waterfowl experience mercury levels four times greater than the same species living on neighboring great lakes, Huron and Michigan. You will hear from others that the proposed mercury reduction rules are reasonable, common-sense measures which respond to a pressing need to rid Wisconsin's more than 15,000 lakes of fish consumption advisories based upon mercury contamination. You will hear from others that this is a reasonable, common-sense and cost-effective approach to protect the health of families who depend upon fish from these lakes as their food source. You will hear from others that emission controls to reduce stack levels of mercury will be reasonable, cost-effective and available for implementation within the timeline proposed. Knowing that, I will add my voice to those who commend you for taking up this challenge to reduce mercury in our waters by requiring increased controls on the biggest known source of mercury in our lakes and streams, the smokestacks of coal-fired power plants.

The Lake Superior Alliance wishes to commend the Department for Wisconsin's continued leadership in clean water policy. In 1991 when the states bordering Lake Superior were challenged by the International Joint Commission to join in a multi-jurisdictional program to reduce the levels of nine of the most dangerous, long-lasting toxic chemicals, including mercury, Wisconsin did so willingly. For the ensuing ten years of the Lake Superior Binational Program,

Wisconsin has worked diligently along side Minnesota, Michigan and the Canadian Province of Ontario in the development of the Lakewide Management Plan for Lake Superior. Called LaMP 2000, the document released in April 2000 contains load reduction schedules for the nine designated dangerous, long-lasting, toxic chemicals, including mercury, among its many provisions for improving Lake Superior water quality,

The Lake Superior Lakewide Management Plan, LaMP 2000, Chapter 4, Critical Pollutants contains the following Mercury Reduction Goals. With 1990 used for baseline amounts, the reduction goals for mercury are:

- \*60 percent reduction by 2000
- \*80 percent reduction by 2010
- \*100 percent reduction by 2020

While the Lake Superior Binational Program has chosen to narrowly interpret its mandate for reducing mercury to in-basin sources, this narrow strategy has been questioned by the International Joint Commission. The Lake Superior LaMP states that 90% of the mercury in Lake Superior's waters arrive from out of basin sources. Recognizing this, the IJC has asked the Binational Program to map out a strategy which achieves real, measureable reductions in mercury concentrations in the Lake's waters and in the fish which inhabit these waters. The Commission has recommended that the Binational Program identify all sources and pathways for airborne mercury affecting Lake Superior's waters. In this basic assessment of nearby sources, Wisconsin's coal-fired power plants and other mercury air emission sources must figure prominently. EPA estimated 1999 stack emissions of mercury for the state of Wisconsin were 2264 pounds. Reducing this amount by 90% to 226 pounds by 2010 cannot fail to have a dramatic effect on Lake Superior.

It is also important to note that the goal for Lake Superior's is for a 100% reduction. Wisconsin's 90% reduction will be important in reaching this goal in several ways. There will be immediate reductions in mercury transported into the Lake Superior basin from Wisconsin sources. Perhaps more importantly, it is likely that Wisconsin's leadership in these mercury reduction rules will affect policies in neighboring Lake Superior states; Minnesota and Michigan.

Beyond the leadership value of these proposed new rules for which we commend the Department I cannot fail to stress their underlying purpose; the health of the people whose food and recreation place them in jeopardy. As you know, ALL Wisconsin lakes and rivers are under a fish advisory. Pregnant women, nursing mothers, women of childbearing age and children under 15 should limit eating fish caught from lakes and streams in Wisconsin. In 92 waters, including flowages that contain many lakes, these same individuals should not eat the fish caught there in any amount. This situation is amplified in scope and severity in Lake Superior's many tribal communities where large scale commercial fisheries and private family harvests result in dramatically increased fish consumption.

Since identification of the "Mad Hatter" - hat-makers affected by mercury used in the preservation of felt in hats - studies have proven that at increasingly smaller doses, mercury can affect a person for life. Now it is understood that significant loss of IQ can occur when a child is exposed to minute amounts of mercury - even if that exposure happens before birth through its mother's blood. Mercury pollution (use and release) has been addressed from most every known controllable source - such as batteries, paints and agricultural chemicals. That is all except one. Current

assessments indicate we can reduce mercury pollution from this source by 90% in the next 10 years with currently available technology for a cost of between \$2 and \$3 a month to the average Wisconsin household. The last source of unregulated mercury pollution - coal-fired power plants - accounted for over 2264 pounds of mercury pollution dumped into the air during 1999 alone.

The National Academy of Sciences estimates that 60,000 children are born in the U.S. each year with potentially nervous system-damaging levels of mercury. The only commonality - their mothers ate fish. Based solely on population, under this study we conservatively estimate mercury threatens more than 1200 newborns in Wisconsin every year. The Center for Disease Control estimates even more children are threatened. Based on blood samples, 1-in-10 women of childbearing age have mercury in their bodies approaching levels proven to harm developing children. In wildlife, studies have linked high mercury levels to reproductive harm in loons, eagles, rainbow trout, and walleye.

So for Lake Superior and for all of our northern lakes and streams I cannot stress strongly enough that Wisconsin's leadership is crucial. Because of lawsuits brought against EPA, a national hazardous air pollutant regulation for coal-fired power plants (including mercury) must be finalized in 2004. By initiating a pro-active agenda, we place polluters on notice they have to clean up their mercury by a certain time allowing future plans to be made. The federal government can look to Wisconsin's leadership and create regulations that work better for all states - a comprehensive approach that will help eliminate cross-boundary pollution. The sooner we move down this path, the better.

As you know, Wisconsin gets a vast majority of its electricity from coal-burning power plants, most of them being over 20 years old. Of the many new proposed power plants, the majority of options remain plants. The opportunity exists to diversify our energy supply, including cleaner natural gas. Wisconsin Electric plans include closing down an old coal plant and replacing it with a larger gas plant (in Port Washington). The political will is there for building gas plants-in a recent poll by the Wisconsin Policy Research Institute, Inc. 80% of the residents polled who favor building new power plants (68% favored new plants) favored gas plants, as opposed to 39% who favor new coal plants.

In conclusion I'll repeat my thanks on behalf of Lake Superior and all of our northern lakes and streams for the proposed rules to implement these long-needed measures which will start Wisconsin as soon as possible on a long overdue process to address this, the last unregulated major source of mercury dumping into our air and our water.

Sincerely,

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Bob Olsgard, Coordinator  
Lake Superior Alliance

Member groups of the Lake Superior Alliance:

AWAKE - Mohawk, Michigan  
Bay Area North Guard, Washburn, WI  
Clean North -  
Sault Ste. Marie, ON  
Clean Water Action,

Duluth, MN  
Citizens for Sustainable Recreation-Saxon,WI  
Clean Water Action Council - NE Wis. Green Bay, WI  
Coalition of Concerned Citizens-Wawa, ON  
Conservation Legacy Alliance, Duluth, MN  
Duluth Area Greens, Duluth, MN  
Duluth Audobon Society - Duluth, MN  
ECCOLA-Tomahawk, WI  
Environment North -  
Thunder Bay, ON  
Flintsteel Restoration Association, Wakefield, MI  
FOCUS -  
Ontonagon, Michigan  
FOLK, (Friends of the Land of Kewenaw) Houghton, MI  
Great Lakes United-Buffalo, N.Y., Kitchener, ON  
Inland Sea Society-Bayfield, WI  
Institute for Sustainable Futures - Duluth, Minnesota  
Jackfish Bay Environmental Protection-  
Terrace Bay, Ontario  
Lake Superior Greens-Superior, WI  
Lake Superior Greens, South Shore, Herbster, WI  
Midwest Renewable Energy Association, Amherst, WI  
Minnesota Project.-St. Paul, MN  
National Wildlife Federation, Ann Arbor, MI  
Northeastern Minnesotans for Wilderness - Duluth, MN  
Northguard, Chequamegon Bay, Port Wing, WI  
Northwoods Conservation Association-  
Boulder Junction, WI  
Regional Environmental Action League-Duluth, MN  
Save Lake Superior Association-Beaver Bay, MN  
Sierra Club Midwest-  
Madison, WI  
Sierra Club-Northstar Chapter, MPLS, MN  
Sierra Club-Central U.P.-Marquette, MI  
Sierra Club-Three Lakes Group,-Sault Ste. Marie, MI  
St. Croix Valley Greens -  
Luck, WI  
Upper Peninsula Environmental Coalition,-Marquette,MI  
Wildlands League-  
Sault Ste. Marie, ON, Toronto, ON  
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Bob Olsgard